# Atty. Dkt. No. 074022-2997ECEIVED

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 2 9 2003

Applicant:

Maynard et al.

Title:

OPTICAL ASSAY DEVICE AND

**METHOD** 

Appl. No.:

09/905,146

Filing Date:

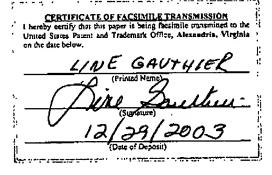
07/12/2001

Examiner:

Chin, Christopher L.

Art Unit:

1641



### AMENDMENT AND REPLY UNDER 37 CFR 1.111

Mail Stop NON-FEE AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated September 22, 2003, concerning the above-referenced patent application.

Amendments to the Specification begin on page 2 of this document.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this document.

Remarks/Arguments begin on page 5 of this document.

Please amend the application as follows:

Atty. Dkt. No. 074022-2907

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facelmile transmitted to the
United States Patent and Trademark Office, Alexandria. Virginia
on the dare below. (703.872.9306)

Line Gauthier

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title:

OPTICAL ASSAY DEVICE AND

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Examiner:

Christopher. L. Chin

Art Unit:

1641

### AMENDMENT TRANSMITTAL

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

### [X] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present			Rate		Additional Claims Fee
Total Claims:	3	-	20	=		0	x	\$18.00	=	\$0.00
	2	-	3	=		0	x	\$86.00	=	\$0.00
Firs	st presentation	n of	any Multiple l	Depe	ndent Claim	s:	+	\$290.0 0	=	\$0.00
					CLAIM	IS	FEÉ	TOTAL	=	\$0.00

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Atty. Dkt. No. 074022-2907

Extension for response filed within the	ne first	
[X] month:	\$110.00	
	ENSION FEE TOTAL:	\$110.00
	TOTAL FEE:	\$110.00

- [X] Please charge Deposit Account No. 50-0872 in the amount of \$110.00. A duplicate copy of this transmittal is enclosed.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Date	Dec, 29 2003	Respectfully sul	bmitted,				
Richard J. War FOLEY & LA	<del>-</del>	By Ku	5 Part				
Customer Number: 30542		Richard	Richard San Pietro Attorney for Applicant				
Telephone: Facsimile:	(858) 847-6717 (858) 792-6773	Registration No. 45,071					